

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RHENETTA BELCHER, et al.,) Case No. 2:17-cv-01675-JCM-NJK
Plaintiff(s),)
AMBER BALTZLEY, et al.,) ORDER
Defendant(s).)

On June 15, 2017, Plaintiff Belcher submitted an application to proceed *in forma pauperis*, and Plaintiffs collectively submitted a complaint. Docket Nos. 1, 1-1. Although Plaintiff Belcher has submitted a request to proceed *in forma pauperis*, none of the other plaintiffs has done so. This case, therefore, cannot move forward until the issue of the filing fee, or permission for all plaintiffs to proceed *in forma pauperis*, has been resolved.

Additionally, although the Court has not yet screened the complaint, the Court notes that Plaintiffs have not alleged federal jurisdiction.¹ The Court has a duty to ensure that it has subject matter jurisdiction over the dispute before it. *See, e.g.*, Fed. R. Civ. P. 12(h)(3). Federal courts are courts of limited jurisdiction and possess only that power authorized by the Constitution and statute. *See Kokkonen v. Guardian Life Ins. Co. Of Am.*, 511 U.S. 375, 377 (1994).

¹ The complaint suffers from additional defects that the Court declines to address because it appears to lack subject matter jurisdiction over this action.

1 Accordingly, **IT IS ORDERED** that:

- 2 1. Either the filing fee shall be paid or Plaintiffs Rudd and Tolentino shall each file
3 individual applications to proceed *in forma pauperis*, no later than **July 21, 2017**.
4 If the filing fee is not paid or the remaining Plaintiffs fail to file applications to
5 proceed *in forma pauperis* by July 21, 2017, the Court will recommend dismissal of
6 the instant action.
- 7 2. Plaintiffs shall have until **July 21, 2017**, to file an amended complaint that alleges
8 federal jurisdiction. If Plaintiffs choose to amend the complaint, Plaintiffs are
9 informed that the Court cannot refer to a prior pleading (i.e., their original
10 Complaint) in order to make the Amended Complaint complete. This is because, as
11 a general rule, an Amended Complaint supersedes the original Complaint. Local
12 Rule 15-1(a) requires that an Amended Complaint be complete in itself without
13 reference to any prior pleading. Once a plaintiff files an Amended Complaint, the
14 original Complaint no longer serves any function in the case. Therefore, in an
15 Amended Complaint, as in an original Complaint, each claim and the involvement
16 of each Defendant must be sufficiently alleged. If Plaintiffs choose not to file an
17 amended complaint, the Court will screen the existing complaint at Docket No. 1-1.

18 IT IS SO ORDERED.

19 DATED: June 23, 2017.

20 
NANCY J. KOPPE
United States Magistrate Judge